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C O N F I D E N T I A L TEL AVIV 005133

SIPDIS

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TAGS: PGOV PREL KWBG EG IS GAZA DISENGAGEMENT GOI EXTERNAL GOI INTERNAL

SUBJECT: SHINUI LIKELY TO SUPPORT EGYPTIAN BORDER

DEPLOYMENT AGREEMENT, GIVING SHARON A KNESSET MAJORITY

REF: TEL AVIV 4694

Classified By: Ambassador Daniel C. Kurtzer for reasons 1.4 (b,d).

1. (C) A recently-finalized agreement between Israel and Egypt allowing some 750 Egyptian border guards to secure the Egyptian-Gaza border after disengagement is likely to receive Knesset approval with the support of Shinui. Shinui MKs Ilan Leibovitch, Eti Livni, and Ilan Shalgi, told Poloff August 18 that, despite reservations expressed by Shinui Chair Tommy Lapid, they are confident that Shinui will support an Israeli-Egyptian agreement and that the Knesset will endorse it. With the support of Shinui's 14 MKs and a worst case scenario of only 13 of 40 Likud MKs supporting it, the Israel-Egypt agreement would likely pass a Knesset vote with as many as 64 votes. The agreement's passage requires only a simple majority. David Sharan, an aide to Likud MK Yuval Steinitz -- who strongly opposes the agreement -- told Poloff August 18 that he expects that despite some Knesset opposition to the agreement, in the end, it will pass. Prime Minister Sharon agreed with Steinitz to seek Knesset endorsement of the Border Guards agreement even though Attorney General Mazuz determined that it is not necessary.

2. (C) Leibovitch added, however, that Shinui's support is contingent on Sharon including the condition that Egypt not supply the Palestinian Authority with weapons unless approved by the Cabinet and the Knesset, and that any change in the number of Egyptian border troops deployed on the Egypt-Gaza border also be approved by the Knesset. Leibovitch said the former condition is to ensure that the Israeli-Egyptian Peace Treaty and military protocol are not violated. Leibovitch said that the conditions are not secret and were specified by Lapid to Minister of Defense Shaul Mofaz during the Knesset Foreign Affairs and Defense Committee, of which Leibovitch is a member, some two or three weeks ago. Shalgi and Livni, who are not members of that committee, said they are not aware of any conditions to Shinui's support. Leibovitch said that he personally strongly favors the agreement as he views Israel's departure from the Philadelphi Corridor as critical to disengagement.

3. (C) The recently finalized agreement will first require approval by the Cabinet, where it is ensured a majority buoyed by the eight Labor Party ministers' support. The Cabinet vote is likely to come within days. After Cabinet approval, the Government will request a special Knesset session since the Knesset is in recess through the end of October. Sharon decided to seek Knesset approval of the agreement despite Attorney General Menachem Mazuz's decision some weeks ago that the agreement would not require Knesset endorsement. Sharon had been facing strong Knesset criticism for pressing to leave the Knesset out of any decision on the agreement. He also faced a petition to the High Court, spearheaded by Likud MK Yuval Steinitz, challenging his decision to avoid Knesset approval. MK Shalgi noted that Shinui had advocated a Knesset vote on the agreement, during recent Foreign Affairs and Defense Committee meetings, asserting that the agreement substantially changes the Israel-Egypt Peace Treaty of 1979, which the Knesset had approved.

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